

Amendment
Serial No. 10/534,818
Attorney Docket No. 052552

REMARKS

Claims 1-11 are pending in the present application. Claims 7-11 are rejected. Claims 7 and 9 are herein amended.

Applicants' Response to Claim Rejections under 35 U.S.C. §102

Claims 7-11 were rejected under 35 U.S.C. §102(b) as being anticipated by Suzuki (U.S. Patent No. 6,342,027).

It is the position of the Office Action that Suzuki discloses the invention as claimed. Suzuki is directed at a hybrid motive power vehicle having an engine 2, an electric motor 1, a start-up clutch 7, a CVT transmission 4, and a buffer clutch 5. Suzuki describes a method for switching from driving by the motor to driving by the engine in Figure 2, and at column 6, line 13 to column 9, line 64.

In response to Applicants' previously filed arguments that Suzuki does not disclose or suggest a gradual increase of engagement of a clutch device, the Office Action first states that the claims as written do not require this. The Office Action misunderstood Applicants' arguments to be directed at a method rather than an apparatus. The Office Action states that claim 7 only requires that the clutch control device "be adapted to" execute a clutch relaxation operation. The Office Action states that the claim does not specifically require that the clutch control device switches from driving by the engine to driving by the motor. Accordingly, the Office Action states that Suzuki "is capable of" performing the functions recited in claims 7-11.

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Attorney Docket No. 052552

Next, the Office Action states that Suzuki inherently discloses gradual engagement of the clutch device. The Office Action notes that the buffer clutch 5 of Suzuki is a slip clutch, rather than a positive engagement clutch. The Office Action thus implies that slip clutches inherently have some degree of gradual clutch engagement.

In response, Applicants herein amend claim 7 in order to positively recite the structural and functional features of the clutch control device of the present invention. Additionally, Applicants respectfully submit that in the present embodiment, the disengagement and gradual engagement of the clutch device is as a result of the decrease and gradual increase of the clutch oil pressure coefficient. Although Suzuki may or may not inherently disclose a gradual engagement of the buffer clutch 5, Applicants respectfully submit that Suzuki does not disclose or suggest a gradual increase in the control of the buffer clutch 5. As illustrated in Figure 2(g), the control of the buffer clutch 5 is instantly implemented at time t_3 . Even if the resulting engagement of the buffer clutch 5 is gradual rather than instant, Suzuki does not disclose a clutch control device which gradually controls the buffer clutch 5.

On the other hand, claim 7 requires that the oil pressure correction coefficient, which controls the clutch device and thus the clutch engagement, is decreased and gradually increased. See Figures 2 and 3. Thus, this gradual control of the clutch device differs from the “binary” control of the buffer clutch 5 of Suzuki. Accordingly, Applicants respectfully submit that present claims 7-11 are patentable over Suzuki. Favorable reconsideration is respectfully requested.

Amendment
Serial No. 10/534,818
Attorney Docket No. 052552

Claims 7-11 were rejected under 35 U.S.C. §102(e) as being anticipated by Tatara et al. (U.S. Patent No. 6,988,572).

It is the position of the Office Action that Tatara discloses the invention as claimed. Applicants note the present application has a priority date of November 19, 2002, while Tatara has a filing date of May 21, 2003. Accordingly, Tatara has a 35 U.S.C. §102(e) date of May 21, 2003. Applicants herewith submit a verified English-language translation of the priority document in order to perfect priority. Since the priority date of November 19, 2002 predates Tatara's 102(e) date of May 21, 2003, Tatara may not be relied upon under 35 U.S.C. §102. Favorable reconsideration is respectfully requested.

Allowable Subject Matter

The Office Action indicates that claims 1-6 are allowable. Applicants respectfully submit that, for at least the reasons discussed above, claims 7-11 also recite allowable subject matter.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

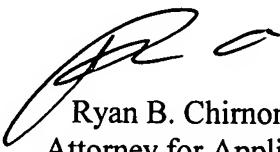
Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

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Serial No. 10/534,818
Attorney Docket No. 052552

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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Enclosure: Verified English-language translation of the priority document